In the High Court of Judicature at Madras

Dated:12.07.2006

Coram:

The Hon'ble Mr. Justice P. SATHASIVAM

Civil Revision Petition (PD) No.976 of 2006
and M.P.No.1 of 2006

M. Lakshmana Mudaliar .. Petitioner/Defendant

vs.

1. Rajammal

2. Pattammal

3. Nallammal

4. Prema .. Respondents/Plaintiffs

Revision Petition filed under Article 227 of the Constitution of India against the order dated 20.01.2006 made in I.A.No.16 of 2006 in O.S.No.149 of 2001 on the file of Sub Court, Tirupur.

For petitioner : Mr. D. Selvaraj
for Mr. C.S. Saravanan

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ORDER

The above revision is directed against the order of the learned Subordinate Judge, refusing to appoint an Advocate Commissioner.

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2. It is not in dispute that the petitioner is a defendant in the said suit, which is pending from 2001. The learned Subordinate Judge, after finding that there is no difficulty in identifying the schedule of property on the part of the plaintiffs and further finding that the appointment of an Advocate Commissioner at this stage, i.e., after commencement of trial is not warranted, dismissed the said application. I am in agreement with the said conclusion. Even otherwise, when the respondents / plaintiffs claim certain relief, it is for them to establish the same by letting acceptable oral and documentary evidence. Accordingly, the apprehension of the petitioner, who is defendant in the suit, is misconceived; there is no error or infirmity in the order impugned. Consequently, the revision fails and the same is dismissed. No costs. Connected MP., is also dismissed.

kh

Sd/
Asst.Registrar

/true copy/

Sub Asst.Registrar

To

The Subordinate Judge
Tiruppur

C.R.P.(PD)No.976/06

TM(CO)
RVL 27.07.2006

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